

RULE 601 PERMIT FEES

Adopted 05-24-77
(Amended 04-21-81, 06-07-83, 05-20-85, 12-03-85,
10-19-93, 08-08-96, 12-11-97, 06-11-98, 06-14-01)

This Rule is applicable to the Lake Tahoe, Sacramento Valley and Mountain Counties Air Basin portions of the District and requires that fees be paid for:

1. Filing of permit applications
2. Engineering evaluation (engineering analysis and emission reduction analysis)
3. Annual operation
4. Environmental documentation and air quality modeling
5. Transfer of ownership of equipment
6. Alterations or additions to equipment
7. Revision of permit conditions
8. Issuance of duplicate permit
9. Annual permit renewal based on emissions
10. Emission reduction credits
11. Synthetic minor source status requests
12. Air toxic emissions inventory and analyses

Federal, state or local governmental agencies or public districts shall pay the fees to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6103) and Chapter 55, Part 3, Division 26 of the Health and Safety Code.

No Claim for refund for any fee required by this rule shall be honored unless such claim is submitted within 90 days after the fee was paid. The use of revenue derived from the application of this rule shall be governed by Health and Safety Code Section 42311.

A. Filing Fee

1. Except as provided in paragraph (F), subparagraph (A)(2), subparagraph (A)(3), and subparagraph (G)(2), every applicant filing for a permit, the revision of conditions, or emission reduction shall pay a filing fee as shown in Table 601-A.1, of the District Fee Schedule.
2. Applicants for Title V permits to operate, shall pay a filing fee as shown in Table 601-A.2, of the District Fee Schedule, for the initial permit application, and a filing fee as shown in Table 601-A.2, of the District Fee Schedule, for mandatory re-opening, non-administrative modification, or permit renewal, pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
3. Sources requesting Synthetic Minor status, pursuant to Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS, shall pay a filing fee as shown in Table 601-A.3, of the District Fee Schedule, unless a higher fee is required by another applicable schedule.
4. If an application for a permit is cancelled or is denied and such denial becomes final, the filing fee or transfer fee required herein shall not be refunded nor applied to any subsequent application.

B. Engineering Analysis and Evaluation Fee

1. Except as provided in paragraph (F) and subparagraph (G)(2), every applicant who files an application for a permit, including one for change of location, shall, in addition to the filing fee, pay within the time and upon the notification specified in subparagraph (B)(4), an engineering evaluation fee which includes the appropriate engineering analysis fee specified in paragraph (E) and an emissions reduction analysis fee specified herein when applicable. An emissions reduction analysis fee shall be paid when an applicant proposes, as part of a permit application, to reduce emissions of air contaminants from equipment to offset emissions of air contaminants from the equipment which is the subject of the permit application. In those circumstances where an application to accomplish the emissions reduction is required in addition to the application that proposes this reduction, the analysis fee will be assessed to the application requiring the reduction.

The emissions reduction analysis fee shall be as shown in Table 601-B, of the District Fee Schedule, per pound (calculated on a daily basis) of each air contaminant reduced.

Fees payable under this paragraph shall be paid within the time and upon the notification specified in subparagraph (B)(4).

2. With exception of the fees provided in Schedule 6 and Schedule 7, if more than one fee schedule is applicable, the governing schedule shall be that which results in the higher fee.
3. After the provisions for granting or denying an Authority to Construct as set forth in Division 26 of the Health and Safety Code and these Rules and Regulations have been complied with, the applicant shall pay the engineering analysis fee within the time and upon the notification specified in subparagraph (B)(4).
4. The applicant shall be notified, in writing, of the fees to be paid. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall be due 30 days from the date of personal service or mailing. Non-payment of the fee within this period of time will result in cancellation of the application and voiding of the Authority to Construct. No further applications will be accepted from the applicant until such time as overdue engineering evaluation fees have been fully paid.
5. In the case of application(s) received for permits to operate equipment already constructed, the applicant shall pay the application filing fee as provided in subparagraph (A)(1). An engineering evaluation fee with any associated late fees as provided in paragraph (I) shall be paid at the time the permit to operate is granted or denied. Annual operating fees shall be paid as provided in subparagraph (C)(10). If at the time the permit to operate is granted or denied, it is determined that the annual operating fee had been based on the wrong schedule, the applicant shall be billed for or credited with the difference, as appropriate.
6. If an application for a permit is canceled within thirty days of filing, an engineering evaluation fee will not be charged if no action has been taken.

C. Annual Operating Fee

1. As soon as practicable on or after the effective date of this Rule, the Air Pollution Control Officer shall establish an annual operating fee due date for each permittee for all permits associated with the same premises. Thereafter, permits to operate shall be renewable as set forth below, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.

2. In those instances where a permit is due to expire on a date different than the annual operating fee due date established for the permittee, the permit may be renewed upon payment of an annual operating fee. Such fee shall be calculated based upon the appropriate schedule in paragraph (E) of this Rule, but prorated based upon the number of months between the expiration date of the permit and the permittee's annual operating fee due date.
3. In those instances where a permit is due to expire on the permittee's annual operating fee due date, the permit may be renewed upon payment of the annual operating fee prescribed in the appropriate schedule in paragraph (E).
4. An Authority to Construct which has not been canceled or voided shall be considered a temporary permit to operate on the date the applicant completes final construction and commences operation, pursuant to RULE 501 (A). For the purposes of this subparagraph, the date specified as the estimated completion date on the application for an Authority to Construct shall be considered the date of commencement of operation unless the applicant notifies the District in writing that operation will commence on another date. Such temporary permit to operate shall be valid for the period of time between commencement of operation and the applicant's next annual operating fee due date following commencement of operation. At that time, and each year thereafter, the annual operating fee for the temporary permit to operate shall be due in the amount prescribed in the appropriate schedule in paragraph (E). The fee shall be based upon the size, rating or capacity of the equipment covered by the temporary permit to operate, if any, as prescribed in paragraph (E).
5. The same annual operating fee due date shall apply from one change of ownership to another.
6. At least thirty days before the annual operating fee due date, the permittee will be notified by mail of the annual operating fee due and the due date. The annual operating fee for each permit shall be in the amount shown in the schedules set forth in paragraph (E).
7. Except as provided in subparagraph (8) below, if the annual operating fee is not paid when due, the fee shall be increased fifty (50) percent of the amount thereof, and the permittee shall thereupon be notified by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit will expire and no longer be valid and the permittee will be notified by mail.
8. An expired permit may be reinstated only by submitting a new application for a permit accompanied by an application fee and the payment in full of the amount of fees due at the time the previous permit expired.
9. No annual operating fee shall be required for a permit to operate gasoline fueling equipment which is exempted from installing vapor recovery systems under the provisions of RULE 213 or 214.
10. In the case of equipment operating, where an Authority to Construct was not issued, the annual operating fee will be due on the Company's next annual operating fee due date, following the submission of the completed application for permit to operate. If no annual renewal date has been established, the Air Pollution Control Officer will set one upon receipt of the application.

D. Annual Permit Fee Based On Emissions

1. The operator of all equipment operating under permit shall pay an annual permit fee based on the total weight of emissions of each of the contaminants specified in subparagraph (D)(2) from equipment on the premises. The fee established in this subparagraph is pursuant to the authority granted in Health and Safety Code Section 42311. Such fee shall be in addition to other fees payable under this Rule. As used in this paragraph, "premises" means one parcel of land, or continuous parcels of land under the same ownership or entitlement to use not including the parcels which are remotely located and connected only by land carrying a pipeline.
2. Each ton (rounded to the nearest ton) for any one of the following air contaminants: gaseous sulfur compounds (expressed as sulfur dioxide), total organic gases, oxides of nitrogen (expressed as nitrogen dioxide), or particulate matter; and in excess of 10 tons per year (rounded to the nearest ton) for carbon monoxide shall be assessed a fee as set forth in Table 601-D, of the District Fee Schedule.
3. The Air Pollution Control Officer shall determine the total emissions for the preceding year of each of the air contaminants listed in subparagraph (D)(2) from all equipment on the premises of facilities to which this paragraph applies. The Air Pollution Control Officer shall determine the emission factors applicable to each permit unit or group of permit units, and provide them to the operator upon request. In determining emission factors, the Air Pollution Control Officer shall use the best available data. "Emission Factor", as used in this subparagraph, means the amount of air contaminant emitted per unit of time or per unit of material handled, processed, produced or burned.
4. Notice and Late Filing Penalties
 - a. At least thirty days before the annual operating fee due date the permittee will be notified by mail of the annual permit fee based upon emissions due and the due date. The notice will include the fee specified in paragraph (D)(1) and the Air Pollution Control Officer's determination of emissions.
 - b. In the case that the annual operating fee based upon emissions is not paid when due, the fee shall be increased by twenty-five percent (25%) of the amount thereof, and the permittee shall thereupon be notified by mail of the increased fee. For each additional month that the emission fee remains unpaid after it is late, there shall be added interest of one and one-half percent (1-1/2%) per month. If the emission fee is timely paid, but the amount paid is later determined to be less than 90 percent of the full amount that should have been paid, the 25% increase shall be imposed as described herein above, but calculated on the difference between the amount actually paid and the amount that should have been paid.
 - c. If one hundred and twenty (120) days have elapsed since the notice to pay fee was sent and all emission fees have not been received, the Air Pollution Control Officer may take action to revoke such permits to operate (Health and Safety Code Section 42307). If permits to operate are revoked, they shall be immediately reinstated upon the payment by the permit holder of the required emission fees and accrued penalties.
5. No annual permit fee based upon emissions shall be required for the following equipment:
 - a. Vehicle fueling equipment. For the purpose of this subparagraph, "vehicle" has the same meaning as defined in Section 670 of the Vehicle Code.

- b. Equipment listed in paragraph (E)(7) deemed by the Air Pollution Control Officer to emit insignificant amounts of contaminants.

E. Schedules for the engineering analysis fee and annual operating fee

1. Schedule 1, Motor Horsepower Schedule:

Any equipment using motors as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all motors included in accordance with the schedule of Table 601-E.1, of the District Fee Schedule.

2. Schedule 2, Fuel Burning Schedule:

Any equipment in which fuel is burned, including cogeneration, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the schedule of Table 601-E.2, of the District Fee Schedule.

3. Schedule 3, Electrical Energy Schedule:

Any equipment which uses electrical energy, with the exception of motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the schedule of Table 601-E.3, of the District Fee Schedule.

4. Schedule 4, Incinerator Schedule:

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber of Table 601-E.4, of the District Fee Schedule.

5. Schedule 5, Stationary Container Schedule:

Any stationary tank, reservoir, or other container, with the exception of stationary storage tanks covered in Schedule 6 herein, shall be assessed a permit fee on the schedule of capacities in gallons or cubic equivalent of Table 601-E.5, of the District Fee Schedule.

6. Schedule 6, Gasoline Fueling Equipment Schedule:

Any gasoline fueling equipment at a single location including stationary gasoline storage tanks and dispensers, shall be assessed a single permit fee based on the number of gasoline dispensing nozzles, in accordance with the schedule of Table 601-E.6, of the District Fee Schedule.

7. Schedule 7, Permit Fee Exceptions:

The following equipment shall be assessed an engineering analysis fee and an annual operating fee in accordance with the schedule of Table 601-E.7, of the District Fee Schedule.

- a. Each permit of a dry cleaning plant.
- b. Equipment with a capacity less than 15,000 liters (4,000 gallons) used exclusively to mix solvents and surface coatings.

- c. Spray coating equipment operated outside of a control enclosure.
 - d. Vapor degreasing equipment using exclusively 1-1-1 trichloroethane, methylene chloride, trifluoromethane, or chlorinated-fluorinated hydrocarbons.
 - e. Portable abrasive blasting equipment.
 - f. Mobile asphalt or coal tar pitch roofing equipment.
 - g. Internal combustion engines of less than 4,000 brake horsepower driving electrical emergency generators.
 - h. Any equipment which is not included in any of the preceding Schedules.
8. Schedule 8, Engineering Analysis Time and Materials Labor Rate: This schedule shall apply to the Engineering Analysis of Paragraph (B) if the actual costs of the analysis exceed the fee determined under the applicable schedule of Schedules 1 through 7. The rate for time and materials shall be in accordance with Table 601-E.8, of the District Fee Schedule.

F. Change of Ownership or Name

- 1. When an application for change of ownership or name is filed, for equipment previously permitted, the applicant shall pay, in lieu of a filing fee and initial permit fee, the fee provided for in subparagraph (A)(1) and paragraph (B), a transfer fee of for each permit unit being transferred from one person to another, or for which the name is to be changed, in accordance with Table 601-F, of the District Fee Schedule, payable at the time the application is filed.

G. Alterations, Additions or Revisions

- 1. When an application is filed for a permit involving alterations or additions resulting in a change to any existing equipment for which a permit to operate was granted and has not expired in accordance with paragraph (C) of this Rule, the applicant shall pay a fee as provided in subparagraph (A)(1) and in addition shall pay engineering analysis fees based upon the increase in rating, capacity, or increase in the number of nozzles resulting from such change, as determined from the fee Schedules in paragraph (E), and an emissions reduction analysis fee as applicable. When there is no incremental increase in rating, capacity, or increase in the number of nozzles, the applicant shall pay as specified in subparagraph (A)(1) and in addition an engineering analysis fee equal to Step (A) of the appropriate fee Schedule in paragraph (E), and an emissions reduction analysis fee as applicable.
- 2. When an application is filed for a revision of conditions on a permit to operate, the applicant shall pay the fee provided for in subparagraph (A)(1), plus an emissions reduction analysis fee as applicable and the applicable fee based on time and materials of subparagraph (M)(1).

H. Duplicate Permits

A request for a duplicate permit shall be made in writing by the permittee after the destruction, loss or defacement of a permit. The fee specified in Table 601-H, of the District Fee Schedule, shall be charged for issuing a duplicate permit.

I. Late Fee

When equipment is built, erected, installed, altered, or replaced (except for identical replacement) without the owner or operator obtaining an Authority to Construct in accordance with RULE 501, the applicant shall pay the filing fee required by paragraph (A)(1) and one hundred fifty percent (150%) of the fees required by paragraph (B), and of one years' annual operating fees. The assessment of such late fee shall not limit the District's right to pursue any other remedy provided for by law.

J. Applicability of Fees

When an application is submitted for transfer of ownership under paragraph (F) of this Rule, and for alterations, additions, or revisions under paragraph (G), of this Rule, the paragraph resulting in the highest permit fee shall apply.

K. Credit for Solar Energy Equipment

Any permittee required to pay an annual permit renewal fee shall receive an annual fee credit for any solar energy equipment installed at the site where the equipment under permit is located.

1. Computation

The design capacity of the solar energy equipment expressed in thousands of British Thermal Units (BTU) per hour shall be used to determine the fee credit in accordance with the annual permit renewal fee provisions of subparagraph (E)(2) of this Rule.

2. Limitation

The solar energy credit shall not exceed the annual permit renewal fee for all permits at the site where the solar energy equipment is located.

L. Minor Source Permit Limitation Fee

New Minor Sources, as defined by Rule 511, POTENTIAL TO EMIT shall be assessed a one-time fee as specified in Table 601-L, of the District Fee Schedule, for the preparation of permit limiting conditions of operation and recordkeeping requirements, unless a higher fee is required by another applicable schedule.

M. Time and Materials Labor Rates

1. General Time and Materials Labor Rate: This rate shall be used to establish fees for emission reduction analysis required to establish the creditable emissions reductions of Rule 504, EMISSION REDUCTION CREDITS; work by District staff pursuant to Rule 603, ANALYSIS FEE; air toxic inventory, risk assessments, and reporting which are not including in the fees of Rule 610, AIR TOXICS HOT SPOTS FEES; reinspections that are required due to circumstances beyond the control of the District, and other such special studies or analysis by District staff. The general time and materials labor rate shall be as specified in Table 601-M.1, of the District Fee Schedule.

2. Title V Time and Materials Labor Rate: The time and materials rate for review and processing of Title V applications for initial permits, permit modification, mandatory permit re-opening, and Title V permit preparation shall be as specified in Table 601-M.2, of the District Fee Schedule.

3. Expedited Permit Processing Time and Materials Labor Rate: In addition to the applicable filing fees of Part A and engineering analysis fees of Part B for Authority to Construct

permits, applicants requesting the processing of a permit application in advance the normal schedule, based upon filing date, shall pay a time and materials labor rate as specified in Table 601-M.3, of the District Fee Schedule.

N. Pass Through of Charges

The actual reasonable and customary charges for the services of source testing contractors, analytical laboratories, air monitoring or inspection contractors, and other evaluation contractors, including reimbursement of the State, for services rendered to the District to determine the compliance and/or emissions of a facility may be assessed as a fee to that facility.

O. Annual Adjustment

All fees specified by this rule shall be automatically adjusted on June 1 of each year based on the change in annual California Consumer Price Index for the preceding calendar year